

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SHOPPERS CHOICE SUPERMARKET, INC.,

Plaintiff,

v.

Case No. 11-10998

AMERICAN EMPIRE SURPLUS LINES
INSURANCE CO.,

Defendant.

ORDER GRANTING “MOTION REQUIRING DEFENDANT TO DISBURSE FUNDS”

On January 18, 2012, Plaintiff filed a “Motion Requiring Defendant to Disburse Funds,” requesting that the court order Defendant to turn over \$108,875.00 withheld from the payment of Plaintiff’s appraisal award pursuant to Michigan Compiled Laws section 500.2845. Under that provision, Defendant was required to withhold 25% of the appraisal award and notify the City of Detroit, which could claim the withheld amount within fifteen days of the mailing of the notice. Mich. Comp. Laws § 500.2845(1)(f). Defendant mailed the required notice to the City on December 13, 2011, but the City did not attempt to claim the funds until January 10, 2012, well beyond the fifteen-day statutory period. Furthermore, Plaintiff served this motion on the City, and the City has failed to respond. Therefore, and in accordance with Michigan Compiled Laws section 500.2845(1)(f),

IT IS ORDERED that Plaintiff's "Motion Requiring Defendant to Disburse Funds" [Dkt. # 35] is GRANTED. Defendant shall remit to Plaintiff the \$108,875.00 withheld from the appraisal award no later than **February 8, 2012**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 1, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 1, 2012, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522